

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL REVISION APPLICATION NO. 64 OF 2007

MR. CHANDRAKANT U. MHAWALANKAR ... Petitioner
Versus
THE BICHOLIM URBAN CO-OP. BANK LTD
THROUGH BANK MANAGER MR. LENNY
BARROS AND ANR., ... Respondents

Mr. J. Godinho, Advocate for the petitioner.
Mr. R. G. Ramani, Advocate for respondent No.1.

Coram:- D. B. BHOSALE, J.

Date:- 6th December, 2007

P.C.

This revision is directed against an order dated 1.9.2007, passed by the Sessions Judge, Margao in Criminal Misc. Application No. 6/2007, rejecting the said application, by which the accused had prayed for condonation of delay in filing an appeal against the order of conviction dated 22.8.2006. By the order dated 22.8.06, the learned Magistrate had convicted the accused. The operative part of the said order, reads as under:

" The accused stands sentenced under section 138 of the Negotiable Instruments Act till rising of the Court and to pay Rs.91,000/- (Rupees ninety one thousand only) as compensation under section 357(3) of Cr.P.C. I/D to undergo three months S/I."

There is no dispute that during the pendency of the trial and the application for condonation of delay before the Sessions Court, the accused had deposited Rs.64,000/- and while issuing notice in the present revision application, he was directed to deposit Rs.27,000/- which he has

deposited on 16.11.07. Thus, that the accused has deposited the entire amount of compensation awarded by the learned Magistrate.

2. Learned Counsel for the accused, on instructions, submits that the accused has no objection if the respondent-complainant is allowed to withdraw the entire amount deposited by him in the Courts below and in this Court, unconditionally and he prays for the disposal of this revision as compounded. The learned Counsel for the respondent has no objection for passing such an order.

3. In the circumstances, this revision stands disposed of by following order :

The offence under Section 138 of the Negotiable Instruments Act stands compounded. The respondent is allowed to withdraw the amount of Rs.91,000/-, deposited by the accused before the trial Court, the Sessions Court and this Court, unconditionally. Consequently, the order of conviction renders ineffective. The revision application is disposed of. Authenticated copy of this order be issued to the parties.

D. B. BHOSALE, J.

ssm.